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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SHERRILL FOSTER, HOWARD FOSTER,
SHEILA BURTON, and MINNIE BURTON.

Case No.: C-07-5445 EMC

Plaintiff,

vs.

**[PROPOSED] ORDER GRANTING
DEFENDANT LAKE COUNTY'S,
MOTION TO DISMISS PURSUANT
TO F.R.C.P. RULE 12(b)(6)**

SHANNON EDMONDS, LORI TYLER,
COUNTY OF LAKE; CITY OF
CLEARLAKE, and DOES 1 through 100,

DATE: May 21, 2008
TIME: 10:30 a.m.
CTRM: C

Defendants

The motion of Defendant COUNTY OF LAKE to dismiss Plaintiffs SHERRILL FOSTER, HOWARD FOSTER, SHEILA BURTON, and MINNIE BURTON'S (hereinafter collectively "Plaintiffs") First Amended Complaint based on failure to state a claim under Fed.R.Civ.P. 12 (b)(6) came on for regularly hearing on May 21, 2008, at 10:30 a.m., in Courtroom C of the above-entitled Court before the Honorable Edward M. Chen.

The Court, having considered the papers and arguments submitted in support of and in opposition to the motion, and after oral argument, finds that Plaintiffs' First Amended Complaint, filed on December 7, 2007, fails to state any claims against Defendant for which relief can be granted.

The Court, therefore, ORDERS that Defendant COUNTY OF LAKE'S Motion to Dismiss is hereby granted, and all claims against the COUNTY OF LAKE be dismissed with prejudice in their entirety.

4 IT IS SO ORDERED.

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6 Dated: _____

Hon. Edward M. Chen
U.S. Magistrate Judge

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